

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1474**  
**98TH GENERAL ASSEMBLY**

4593H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, and 130.071 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof two new sections relating to certain sections declared unconstitutional, with a delayed effective date for certain sections.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, and 130.071 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, are repealed and two new sections enacted in lieu thereof, to be known as sections 130.026 and 130.057, to read as follows:

[130.026. 1. For the purpose of this section, the term "election authority" or "local election authority" means the county clerk, except that in a city or county having a board of election commissioners the board of election commissioners shall be the election authority. For any political subdivision or other district which is situated within the jurisdiction of more than one election authority, as defined herein, the election authority is the one in whose jurisdiction the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most populous portion of the political subdivision or district for

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 which an election is held is situated, except that a county clerk or a county board  
10 of election commissioners shall be the election authority for all candidates for  
11 elective county offices other than county clerk and for any countywide ballot  
12 measures.

13 2. The appropriate officer or officers for candidates and ballot measures  
14 shall be as follows:

15 (1) In the case of candidates for the offices of governor, lieutenant  
16 governor, secretary of state, state treasurer, state auditor, attorney general, judges  
17 of the supreme court and appellate court judges, the appropriate officer shall be  
18 the Missouri ethics commission;

19 (2) Notwithstanding the provisions of subsection 1 of this section, in the  
20 case of candidates for the offices of state senator, state representative, county  
21 clerk, and associate circuit court judges and circuit court judges, the appropriate  
22 officers shall be the Missouri ethics commission and the election authority for the  
23 place of residence of the candidate;

24 (3) In the case of candidates for elective municipal offices in  
25 municipalities of more than one hundred thousand inhabitants and elective county  
26 offices in counties of more than one hundred thousand inhabitants, the  
27 appropriate officers shall be the Missouri ethics commission and the election  
28 authority of the municipality or county in which the candidate seeks office;

29 (4) In the case of all other offices, the appropriate officer shall be the  
30 election authority of the district or political subdivision for which the candidate  
31 seeks office;

32 (5) In the case of ballot measures, the appropriate officer or officers shall  
33 be:

34 (a) The Missouri ethics commission for a statewide measure;

35 (b) The local election authority for any political subdivision or district as  
36 determined by the provisions of subsection 1 of this section for any measure,  
37 other than a statewide measure, to be voted on in that political subdivision or  
38 district.

39 3. The appropriate officer or officers for candidate committees and  
40 campaign committees shall be the same as designated in subsection 2 of this  
41 section for the candidates or ballot measures supported or opposed as indicated  
42 in the statement of organization required to be filed by any such committee.

43 4. The appropriate officer for political party committees shall be as  
44 follows:

45 (1) In the case of state party committees, the appropriate officer shall be  
46 the Missouri ethics commission;

47 (2) In the case of any district, county or city political party committee, the  
48 appropriate officer shall be the Missouri ethics commission and the election  
49 authority for that district, county or city.

50           5. The appropriate officers for a political action committee and for any  
51 other committee not named in subsections 3, 4 and 5 of this section shall be as  
52 follows:

53           (1) The Missouri ethics commission and the election authority for the  
54 county in which the committee is domiciled; and

55           (2) If the committee makes or anticipates making expenditures other than  
56 direct contributions which aggregate more than five hundred dollars to support  
57 or oppose one or more candidates or ballot measures in the same political  
58 subdivision or district for which the appropriate officer is an election authority  
59 other than the one for the county in which the committee is domiciled, the  
60 appropriate officers for that committee shall include such other election authority  
61 or authorities, except that committees covered by this subsection need not file  
62 statements required by section 130.021 and reports required by subsections 6, 7  
63 and 8 of section 130.046 with any appropriate officer other than those set forth  
64 in subdivision (1) of this subsection.

65           6. The term "domicile" or "domiciled" means the address of the  
66 committee listed on the statement of organization required to be filed by that  
67 committee in accordance with the provisions of section 130.021.]  
68

130.026. 1. For the purpose of this section, the term "election authority" or "local  
2 election authority" means the county clerk, except that in a city or county having a board of  
3 election commissioners the board of election commissioners shall be the election authority. For  
4 any political subdivision or other district which is situated within the jurisdiction of more than  
5 one election authority, as defined herein, the election authority is the one in whose jurisdiction  
6 the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most  
7 populous portion of the political subdivision or district for which an election is held is situated,  
8 except that a county clerk or a county board of election commissioners shall be the election  
9 authority for all candidates for elective county offices other than county clerk and for any  
10 countywide ballot measures.

11           2. The appropriate officer or officers for candidates and ballot measures shall be as  
12 follows:

13           (1) In the case of candidates for the offices of governor, lieutenant governor, secretary  
14 of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate  
15 court judges, the appropriate officer shall be the Missouri ethics commission;

16           (2) Notwithstanding the provisions of subsection 1 of this section, in the case of  
17 candidates for the offices of state senator, state representative, county clerk, and associate circuit  
18 court judges and circuit court judges, the appropriate [officers] **officer** shall be the Missouri  
19 ethics commission [and the election authority for the place of residence of the candidate];

20 (3) In the case of candidates for elective municipal offices in municipalities of more than  
21 one hundred thousand inhabitants and elective county offices in counties of more than one  
22 hundred thousand inhabitants, the appropriate [officers] **officer** shall be the Missouri ethics  
23 commission [and the election authority of the municipality or county in which the candidate  
24 seeks office];

25 (4) In the case of all other offices, the appropriate officer shall be the [election authority  
26 of the district or political subdivision for which the candidate seeks office] **Missouri ethics**  
27 **commission**;

28 (5) In the case of ballot measures, the appropriate officer or officers shall be:

29 (a) The Missouri ethics commission for a statewide measure;

30 (b) The local election authority for any political subdivision or district as determined by  
31 the provisions of subsection 1 of this section for any measure, other than a statewide measure,  
32 to be voted on in that political subdivision or district.

33 3. The appropriate officer or officers for candidate committees and campaign committees  
34 shall be the same as designated in subsection 2 of this section for the candidates or ballot  
35 measures supported or opposed as indicated in the statement of organization required to be filed  
36 by any such committee.

37 4. The appropriate officer for political party committees shall be as follows:

38 (1) In the case of state party committees, the appropriate officer shall be the Missouri  
39 ethics commission;

40 (2) In the case of any district, county or city political party committee, the appropriate  
41 officer shall be the Missouri ethics commission [and the election authority for that district,  
42 county or city].

43 5. The appropriate [officers] **officer** for a continuing committee and for any other  
44 committee not named in subsections 2, 3, [4 and 5] **and 4** of this section shall be [as follows:

45 (1)] the Missouri ethics commission [and the election authority for the county in which  
46 the committee is domiciled; and

47 (2) If the committee makes or anticipates making expenditures other than direct  
48 contributions which aggregate more than five hundred dollars to support or oppose one or more  
49 candidates or ballot measures in the same political subdivision or district for which the  
50 appropriate officer is an election authority other than the one for the county in which the  
51 committee is domiciled, the appropriate officers for that committee shall include such other  
52 election authority or authorities, except that committees covered by this subsection need not file  
53 statements required by section 130.021 and reports required by subsections 6, 7 and 8 of section  
54 130.046 with any appropriate officer other than those set forth in subdivision (1) of this  
55 subsection].

56           6. The term "domicile" or "domiciled" means the address of the committee listed on the  
57 statement of organization required to be filed by that committee in accordance with the  
58 provisions of section 130.021.

59           **7. The candidates required to file financial disclosure reports with the Missouri**  
60 **ethics commission under subdivisions (2), (3), and (4) of subsection 2 of this section shall**  
61 **file any required disclosure report in an electronic format as prescribed by the commission.**  
62

2                       [130.057. 1. In order for candidates for election and public officials to  
3 more easily file reports required by law and to access information contained in  
4 such reports, and for the Missouri ethics commission to receive and store reports  
5 in an efficient and economical method, and for the general public and news  
6 media to access information contained in such reports, the commission shall  
7 establish and maintain an electronic reporting system pursuant to this section.

8                       2. The ethics commission may establish for elections in 1996 and shall  
9 establish for elections and all required reporting beginning in 1998 and maintain  
10 thereafter a state campaign finance and financial interest disclosure electronic  
11 reporting system pursuant to this section for all candidates required to file. The  
12 system may be used for the collection, filing and dissemination of all reports,  
13 including monthly lobbying reports filed by law, and all reports filed with the  
14 commission pursuant to this chapter and chapter 105. The system may be  
15 established and used for all reports required to be filed for the primary and  
16 general elections in 1996 and all elections thereafter, except that the system may  
17 require maintenance of a paper backup system for the primary and general  
18 elections in 1996. The reports shall be maintained and secured in the electronic  
19 format by the commission.

20                      3. When the commission determines that the electronic reporting system  
21 has been properly implemented, the commission shall certify to all candidates and  
22 committees required to file pursuant to this chapter that such electronic reporting  
23 system has been established and implemented. Beginning with the primary and  
24 general elections in 2000, or the next primary or general election in which the  
25 commission has made certification pursuant to this subsection, whichever is later,  
26 candidates and all other committees shall file reports by using either the  
27 electronic format prescribed by the commission or paper forms provided by the  
28 commission for that purpose. Political action committees shall file reports by  
29 electronic format prescribed by the commission, except political action  
30 committees which make contributions equal to or less than fifteen thousand  
31 dollars in the applicable calendar year. Any political action committee which  
32 makes contributions in support of or opposition to any measure or candidate  
33 equal to or less than fifteen thousand dollars in the applicable calendar year shall  
34 file reports on paper forms provided by the commission for that purpose or by  
35 electronic format prescribed by the commission, whichever reporting method the  
political action committee chooses. The commission shall supply a computer

36 program which shall be used for filing by modem or by a common magnetic  
37 media chosen by the commission. In the event that filings are performed  
38 electronically, the candidate shall file a signed original written copy within five  
39 working days; except that, if a means becomes available which will allow a  
40 verifiable electronic signature, the commission may also accept this in lieu of a  
41 written statement.

42 4. Beginning January 1, 2000, or on the date the commission makes the  
43 certification pursuant to subsection 3 of this section, whichever is later, all reports  
44 filed with the commission by any candidate for a statewide office, or such  
45 candidate's committee, shall be filed in electronic format as prescribed by the  
46 commission; provided however, that if a candidate for statewide office, or such  
47 candidate's committee receives or spends five thousand dollars or less for any  
48 reporting period, the report for that reporting period shall not be required to be  
49 filed electronically.

50 5. A copy of all reports filed in the state campaign finance electronic  
51 reporting system shall be placed on a public electronic access system so that the  
52 general public may have open access to the reports filed pursuant to this section.  
53 The access system shall be organized and maintained in such a manner to allow  
54 an individual to obtain information concerning all contributions made to or on  
55 behalf of, and all expenditures made on behalf of, any public official described  
56 in subsection 2 of this section in formats that will include both written and  
57 electronically readable formats.

58 6. All records that are in electronic format, not otherwise closed by law,  
59 shall be available in electronic format to the public. The commission shall  
60 maintain and provide for public inspection, a listing of all reports with a complete  
61 description for each field contained on the report, that has been used to extract  
62 information from their database files. The commission shall develop a report or  
63 reports which contain every field in each database.

64 7. Annually, the commission shall provide, without cost, a system-wide  
65 dump of information contained in the commission's electronic database files to  
66 the general assembly. The information is to be copied onto a medium specified  
67 by the general assembly. Such information shall not contain records otherwise  
68 closed by law. It is the intent of the general assembly to provide open access to  
69 the commission's records. The commission shall make every reasonable effort  
70 to comply with requests for information and shall take a liberal interpretation  
71 when considering such requests.]  
72

130.057. 1. In order for candidates for election and public officials to more easily file  
2 reports required by law and to access information contained in such reports, and for the Missouri  
3 ethics commission to receive and store reports in an efficient and economical method, and for  
4 the general public and news media to access information contained in such reports, the  
5 commission shall establish and maintain an electronic reporting system pursuant to this section.

6           2. The ethics commission [may establish for elections in 1996 and] shall establish [for  
7 elections and all required reporting beginning in 1998] and maintain [thereafter] a state campaign  
8 finance and financial interest disclosure electronic reporting system pursuant to this section for  
9 all candidates **and committees** required to file **under this chapter**. The system may be used for  
10 the collection, filing and dissemination of all reports, including monthly lobbying reports filed  
11 by law, and all reports filed with the commission pursuant to this chapter and chapter 105. [The  
12 system may be established and used for all reports required to be filed for the primary and  
13 general elections in 1996 and all elections thereafter, except that the system may require  
14 maintenance of a paper backup system for the primary and general elections in 1996]. The  
15 reports shall be maintained and secured in the electronic format by the commission.

16           3. [When the commission determines that the electronic reporting system has been  
17 properly implemented, the commission shall certify to all candidates and committees required  
18 to file pursuant to this chapter that such electronic reporting system has been established and  
19 implemented. Beginning with the primary and general elections in 2000, or the next primary or  
20 general election in which the commission has made certification pursuant to this subsection,  
21 whichever is later, candidates and all other committees shall file reports by using either the  
22 electronic format prescribed by the commission or paper forms provided by the commission for  
23 that purpose. Continuing committees shall file reports by electronic format prescribed by the  
24 commission, except continuing committees which make contributions equal to or less than  
25 fifteen thousand dollars in the applicable calendar year. Any continuing committee which makes  
26 contributions in support of or opposition to any measure or candidate equal to or less than fifteen  
27 thousand dollars in the applicable calendar year shall file reports on paper forms provided by the  
28 commission for that purpose or by electronic format prescribed by the commission, whichever  
29 reporting method the continuing committee chooses. The commission shall supply a computer  
30 program which shall be used for filing by modem or by a common magnetic media chosen by  
31 the commission. In the event that filings are performed electronically, the candidate shall file  
32 a signed original written copy within five working days; except that, if a means becomes  
33 available which will allow a verifiable electronic signature, the commission may also accept this  
34 in lieu of a written statement.

35           4. Beginning January 1, 2000, or on the date the commission makes the certification  
36 pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission  
37 by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic  
38 format as prescribed by the commission; provided however, that if a candidate for statewide  
39 office, or such candidate's committee receives or spends five thousand dollars or less for any  
40 reporting period, the report for that reporting period shall not be required to be filed  
41 electronically.

5.] A copy of all reports filed in the state campaign finance electronic reporting system shall be placed on a public electronic access system so that the general public may have open access to the reports filed pursuant to this section. The access system shall be organized and maintained in such a manner to allow an individual to obtain information concerning all contributions made to or on behalf of, and all expenditures made on behalf of, any **candidate or** public official described in subsection 2 of this section in formats that will include both written and electronically readable formats.

[6.] 4. All records that are in electronic format, not otherwise closed by law, shall be available in electronic format to the public. The commission shall maintain and provide for public inspection, a listing of all reports with a complete description for each field contained on the report, that has been used to extract information from their database files. The commission shall develop a report or reports which contain every field in each database.

[7.] 5. Annually, the commission shall provide, without cost, a system-wide dump of information contained in the commission's electronic database files to the general assembly. The information is to be copied onto a medium specified by the general assembly. Such information shall not contain records otherwise closed by law. It is the intent of the general assembly to provide open access to the commission's records. The commission shall make every reasonable effort to comply with requests for information and shall take a liberal interpretation when considering such requests.

[130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no



committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(4) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(5) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(6) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

62 (7) "Check", a check drawn on a state or federal bank, or a draft on a  
63 negotiable order of withdrawal account in a savings and loan association or a  
64 share draft account in a credit union;

65 (8) "Closing date", the date through which a statement or report is  
66 required to be complete;

67 (9) "Committee", a person or any combination of persons, who accepts  
68 contributions or makes expenditures for the primary or incidental purpose of  
69 influencing or attempting to influence the action of voters for or against the  
70 nomination or election to public office of one or more candidates or the  
71 qualification, passage or defeat of any ballot measure or for the purpose of paying  
72 a previously incurred campaign debt or obligation of a candidate or the debts or  
73 obligations of a committee or for the purpose of contributing funds to another  
74 committee:

75 (a) "Committee", does not include:

76 a. A person or combination of persons, if neither the aggregate of  
77 expenditures made nor the aggregate of contributions received during a calendar  
78 year exceeds five hundred dollars and if no single contributor has contributed  
79 more than two hundred fifty dollars of such aggregate contributions;

80 b. An individual, other than a candidate, who accepts no contributions  
81 and who deals only with the individual's own funds or property;

82 c. A corporation, cooperative association, partnership, proprietorship, or  
83 joint venture organized or operated for a primary or principal purpose other than  
84 that of influencing or attempting to influence the action of voters for or against  
85 the nomination or election to public office of one or more candidates or the  
86 qualification, passage or defeat of any ballot measure, and it accepts no  
87 contributions, and all expenditures it makes are from its own funds or property  
88 obtained in the usual course of business or in any commercial or other transaction  
89 and which are not contributions as defined by subdivision (11) of this section;

90 d. A labor organization organized or operated for a primary or principal  
91 purpose other than that of influencing or attempting to influence the action of  
92 voters for or against the nomination or election to public office of one or more  
93 candidates, or the qualification, passage, or defeat of any ballot measure, and it  
94 accepts no contributions, and expenditures made by the organization are from its  
95 own funds or property received from membership dues or membership fees  
96 which were given or solicited for the purpose of supporting the normal and usual  
97 activities and functions of the organization and which are not contributions as  
98 defined by subdivision (11) of this section;

99 e. A person who acts as an authorized agent for a committee in soliciting  
100 or receiving contributions or in making expenditures or incurring indebtedness  
101 on behalf of the committee if such person renders to the committee treasurer or  
102 deputy treasurer or candidate, if applicable, an accurate account of each receipt  
103 or other transaction in the detail required by the treasurer to comply with all  
104 record-keeping and reporting requirements of this chapter;

105 f. Any department, agency, board, institution or other entity of the state  
106 or any of its subdivisions or any officer or employee thereof, acting in the  
107 person's official capacity;

108 (b) The term "committee" includes, but is not limited to, each of the  
109 following committees: campaign committee, candidate committee, political  
110 action committee, exploratory committee, and political party committee;

111 (10) "Connected organization", any organization such as a corporation,  
112 a labor organization, a membership organization, a cooperative, or trade or  
113 professional association which expends funds or provides services or facilities  
114 to establish, administer or maintain a committee or to solicit contributions to a  
115 committee from its members, officers, directors, employees or security holders.  
116 An organization shall be deemed to be the connected organization if more than  
117 fifty percent of the persons making contributions to the committee during the  
118 current calendar year are members, officers, directors, employees or security  
119 holders of such organization or their spouses;

120 (11) "Contribution", a payment, gift, loan, advance, deposit, or donation  
121 of money or anything of value for the purpose of supporting or opposing the  
122 nomination or election of any candidate for public office or the qualification,  
123 passage or defeat of any ballot measure, or for the support of any committee  
124 supporting or opposing candidates or ballot measures or for paying debts or  
125 obligations of any candidate or committee previously incurred for the above  
126 purposes. A contribution of anything of value shall be deemed to have a money  
127 value equivalent to the fair market value. "Contribution" includes, but is not  
128 limited to:

129 (a) A candidate's own money or property used in support of the person's  
130 candidacy other than expense of the candidate's food, lodging, travel, and  
131 payment of any fee necessary to the filing for public office;

132 (b) Payment by any person, other than a candidate or committee, to  
133 compensate another person for services rendered to that candidate or committee;

134 (c) Receipts from the sale of goods and services, including the sale of  
135 advertising space in a brochure, booklet, program or pamphlet of a candidate or  
136 committee and the sale of tickets or political merchandise;

137 (d) Receipts from fund-raising events including testimonial affairs;

138 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan  
139 or debt or other obligation by a third party, or payment of a loan or debt or other  
140 obligation by a third party if the loan or debt or other obligation was contracted,  
141 used, or intended, in whole or in part, for use in an election campaign or used or  
142 intended for the payment of such debts or obligations of a candidate or committee  
143 previously incurred, or which was made or received by a committee;

144 (f) Funds received by a committee which are transferred to such  
145 committee from another committee or other source, except funds received by a  
146 candidate committee as a transfer of funds from another candidate committee

controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) "Contribution" does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(12) "County", any one of the several counties of this state or the city of St. Louis;

(13) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(14) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(15) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a

candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee

which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

(16) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office. Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

(17) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(18) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money;

(19) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(20) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

(21) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity;

(22) "Political action committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee, political party committee, campaign committee, exploratory committee, or debt service committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or

opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. Such a committee includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) "Political party committee", a committee of a political party which may be organized as a not-for-profit corporation under Missouri law and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party. Political party committees shall only take the following forms:

(a) One congressional district committee per political party for each congressional district in the state; and

(b) One state party committee per political party;

(26) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

(27) "Regular session", includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (4) of this section.]

[130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every

9 candidate for offices listed in subsection 6 of section 130.016 who is not  
10 excluded from filing a statement of organization and disclosure reports pursuant  
11 to subsection 6 of section 130.016 shall form a candidate committee and appoint  
12 a treasurer. Thereafter, all contributions on hand and all further contributions  
13 received by such candidate and any of the candidate's own funds to be used in  
14 support of the person's candidacy shall be deposited in a candidate committee  
15 depository account established pursuant to the provisions of subsection 4 of this  
16 section, and all expenditures shall be made through the candidate, treasurer or  
17 deputy treasurer of the person's candidate committee. Nothing in this chapter  
18 shall prevent a candidate from appointing himself or herself as a committee of  
19 one and serving as the person's own treasurer, maintaining the candidate's own  
20 records and filing all the reports and statements required to be filed by the  
21 treasurer of a candidate committee.

22 3. A candidate who has more than one candidate committee supporting  
23 the person's candidacy shall designate one of those candidate committees as the  
24 committee responsible for consolidating the aggregate contributions to all such  
25 committees under the candidate's control and direction as required by section  
26 130.041. No person shall form a new committee or serve as a deputy treasurer  
27 of any committee as defined in section 130.011 until the person or the treasurer  
28 of any committee previously formed by the person or where the person served as  
29 treasurer or deputy treasurer has filed all required campaign disclosure reports  
30 and statements of limited activity for all prior elections and paid outstanding  
31 previously imposed fees assessed against that person by the ethics commission.

32 4. (1) Every committee shall have a single official fund depository  
33 within this state which shall be a federally or state-chartered bank, a federally or  
34 state-chartered savings and loan association, or a federally or state-chartered  
35 credit union in which the committee shall open and thereafter maintain at least  
36 one official depository account in its own name. An "official depository account"  
37 shall be a checking account or some type of negotiable draft or negotiable order  
38 of withdrawal account, and the official fund depository shall, regarding an  
39 official depository account, be a type of financial institution which provides a  
40 record of deposits, cancelled checks or other cancelled instruments of withdrawal  
41 evidencing each transaction by maintaining copies within this state of such  
42 instruments and other transactions. All contributions which the committee  
43 receives in money, checks and other negotiable instruments shall be deposited in  
44 a committee's official depository account. Contributions shall not be accepted  
45 and expenditures shall not be made by a committee except by or through an  
46 official depository account and the committee treasurer, deputy treasurer or  
47 candidate. Contributions received by a committee shall not be commingled with  
48 any funds of an agent of the committee, a candidate or any other person, except  
49 that contributions from a candidate of the candidate's own funds to the person's  
50 candidate committee shall be deposited to an official depository account of the  
51 person's candidate committee. No expenditure shall be made by a committee



when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a committee's official depository account and deposit such funds in one or more savings accounts in the committee's name in any bank, savings and loan association or credit union within this state, and may also withdraw funds from an official depository account for investment in the committee's name in any certificate of deposit, bond or security. Proceeds from interest or dividends from a savings account or other investment or proceeds from withdrawals from a savings account or from the sale of an investment shall not be expended or reinvested, except in the case of renewals of certificates of deposit, without first redepositing such proceeds in an official depository account. Investments, other than savings accounts, held outside the committee's official depository account at any time during a reporting period shall be disclosed by description, amount, any identifying numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file.

Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

5. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected organization as provided in subdivision (10) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the candidate;

(3) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

- 95 (4) The names, mailing addresses and titles of its officers, if any;  
96 (5) The name and mailing address of any connected organizations with  
97 which the committee is affiliated;  
98 (6) The name and mailing address of its depository, and the name and  
99 account number of each account the committee has in the depository. The  
100 account number of each account shall be redacted prior to disclosing the  
101 statement to the public;  
102 (7) Identification of the major nature of the committee such as a  
103 candidate committee, campaign committee, political action committee, political  
104 party committee, incumbent committee, or any other committee according to the  
105 definition of committee in section 130.011;  
106 (8) In the case of the candidate committee designated in subsection 3 of  
107 this section, the full name and address of each other candidate committee which  
108 is under the control and direction of the same candidate, together with the name,  
109 address and telephone number of the treasurer of each such other committee;  
110 (9) The name and office sought of each candidate supported or opposed  
111 by the committee;  
112 (10) The ballot measure concerned, if any, and whether the committee  
113 is in favor of or opposed to such measure.  
114 6. A committee may omit the information required in subdivisions (9)  
115 and (10) of subsection 5 of this section if, on the date on which it is required to  
116 file a statement of organization, the committee has not yet determined the  
117 particular candidates or particular ballot measures it will support or oppose.  
118 7. A committee which has filed a statement of organization and has not  
119 terminated shall not be required to file another statement of organization, except  
120 that when there is a change in any of the information previously reported as  
121 required by subdivisions (1) to (8) of subsection 5 of this section an amended  
122 statement of organization shall be filed within twenty days after the change  
123 occurs, but no later than the date of the filing of the next report required to be  
124 filed by that committee by section 130.046.  
125 8. Upon termination of a committee, a termination statement indicating  
126 dissolution shall be filed not later than ten days after the date of dissolution with  
127 the appropriate officer or officers with whom the committee's statement of  
128 organization was filed. The termination statement shall include:  
129 the distribution made of any remaining surplus funds and the disposition of any  
130 deficits; and the name, mailing address and telephone number of the individual  
131 responsible for preserving the committee's records and accounts as required in  
132 section 130.036.  
133 9. Any statement required by this section shall be signed and attested by  
134 the committee treasurer or deputy treasurer, and by the candidate in the case of  
135 a candidate committee.  
136 10. A committee domiciled outside this state shall be required to file a  
137 statement of organization and appoint a treasurer residing in this state and open

an account in a depository within this state; provided that either of the following conditions prevails:

(1) The aggregate of all contributions received from persons domiciled in this state exceeds twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year.

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election.]

[130.028. 1. Every person, labor organization, or corporation organized or existing by virtue of the laws of this state, or doing business in this state who shall:

(1) Discriminate or threaten to discriminate against any member in this state with respect to his membership, or discharge or discriminate or threaten to discriminate against any employee in this state, with respect to his compensation, terms, conditions or privileges of employment by reason of his political beliefs or opinions; or

(2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any candidate at any election in this state; or

(3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any issue at any election in this state; or

(4) Make any member or employee as a condition of membership or employment, contribute to any candidate, political committee or separate political fund; or

(5) Discriminate or threaten to discriminate against any member or employee in this state for contributing or refusing to contribute to any candidate, political committee or separate political fund with respect to the privileges of membership or with respect to his employment and the compensation, terms, conditions or privileges related thereto shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand dollars and confinement for not more than six months, or both, provided, after January 1, 1979, the violation of this subsection shall be a class D felony.

26           2. No employer, corporation, political action committee, or labor  
27 organization shall receive or cause to be made contributions from its members or  
28 employees except on the advance voluntary permission of the members or  
29 employees. Violation of this section by the corporation, employer, political  
30 action committee or labor organization shall be a class A misdemeanor.

31           3. An employer shall, upon written request by ten or more employees,  
32 provide its employees with the option of contributing to a political action  
33 committee as defined in section 130.011 through payroll deduction, if the  
34 employer has a system of payroll deduction. No contribution to a political action  
35 committee from an employee through payroll deduction shall be made other than  
36 to a political action committee voluntarily chosen by the employee. Violation of  
37 this section shall be a class A misdemeanor.

38           4. Any person aggrieved by any act prohibited by this section shall, in  
39 addition to any other remedy provided by law, be entitled to maintain within one  
40 year from the date of the prohibited act, a civil action in the courts of this state,  
41 and if successful, he shall be awarded civil damages of not less than one hundred  
42 dollars and not more than one thousand dollars, together with his costs, including  
43 reasonable attorney's fees. Each violation shall be a separate cause of action.]  
44

[130.031. 1. No contribution of cash in an amount of more than one  
2 hundred dollars shall be made by or accepted from any single contributor for any  
3 election by a political action committee, a campaign committee, a political party  
4 committee, an exploratory committee or a candidate committee.

5           2. Except for expenditures from a petty cash fund which is established  
6 and maintained by withdrawals of funds from the committee's depository account  
7 and with records maintained pursuant to the record-keeping requirements of  
8 section 130.036 to account for expenditures made from petty cash, each  
9 expenditure of more than fifty dollars, except an in-kind expenditure, shall be  
10 made by check drawn on the committee's depository and signed by the committee  
11 treasurer, deputy treasurer or candidate. A single expenditure from a petty cash  
12 fund shall not exceed fifty dollars, and the aggregate of all expenditures from a  
13 petty cash fund during a calendar year shall not exceed the lesser of five thousand  
14 dollars or ten percent of all expenditures made by the committee during that  
15 calendar year. A check made payable to "cash" shall not be made except to  
16 replenish a petty cash fund.

17           3. No contribution shall be made or accepted and no expenditure shall be  
18 made or incurred, directly or indirectly, in a fictitious name, in the name of  
19 another person, or by or through another person in such a manner as to conceal  
20 the identity of the actual source of the contribution or the actual recipient and  
21 purpose of the expenditure. Any person who receives contributions for a  
22 committee shall disclose to that committee's treasurer, deputy treasurer or  
23 candidate the recipient's own name and address and the name and address of the  
24 actual source of each contribution such person has received for that committee.

Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person

68 responsible for conducting the activity or event and attached to the disclosure  
69 report of contributions and expenditures required by section 130.041. The  
70 following information to be listed in the statement is in addition to, not in lieu of,  
71 the requirements elsewhere in this chapter relating to the recording and reporting  
72 of contributions and expenditures:

73 (a) The name and mailing address of the person or persons responsible  
74 for conducting the event or activity and the name and address of the candidate or  
75 committee for whom the funds were raised;

76 (b) The date on which the event occurred;

77 (c) The name and address of the location where the event occurred and  
78 the approximate number of participants in the event;

79 (d) A brief description of the type of event and the fund-raising methods  
80 used;

81 (e) The gross receipts from the event and a listing of the expenditures  
82 incident to the event;

83 (f) The total dollar amount of contributions received from the event from  
84 participants whose names and addresses were not obtained with such  
85 contributions and an explanation of why it was not possible to obtain the names  
86 and addresses of such participants;

87 (g) The total dollar amount of contributions received from contributing  
88 participants in the event who are identified by name and address in the records  
89 required to be maintained pursuant to section 130.036.

90 7. No candidate or committee in this state shall accept contributions from  
91 any out-of-state committee unless the out-of-state committee from whom the  
92 contributions are received has filed a statement of organization pursuant to  
93 section 130.021 or has filed the reports required by sections 130.049 and  
94 130.050, whichever is applicable to that committee.

95 8. Any person publishing, circulating, or distributing any printed matter  
96 relative to any candidate for public office or any ballot measure shall on the face  
97 of the printed matter identify in a clear and conspicuous manner the person who  
98 paid for the printed matter with the words "Paid for by" followed by the proper  
99 identification of the sponsor pursuant to this section. For the purposes of this  
100 section, "printed matter" shall be defined to include any pamphlet, circular,  
101 handbill, sample ballot, advertisement, including advertisements in any  
102 newspaper or other periodical, sign, including signs for display on motor  
103 vehicles, or other imprinted or lettered material; but "printed matter" is defined  
104 to exclude materials printed and purchased prior to May 20, 1982, if the  
105 candidate or committee can document that delivery took place prior to May 20,  
106 1982; any sign personally printed and constructed by an individual without  
107 compensation from any other person and displayed at that individual's place of  
108 residence or on that individual's personal motor vehicle; any items of personal  
109 use given away or sold, such as campaign buttons, pins, pens, pencils, book  
110 matches, campaign jewelry, or clothing, which is paid for by a candidate or

committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (9) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

13. Political action committees shall only receive contributions from individuals; unions; federal political action committees; and corporations, associations, and partnerships formed under chapters 347 to 360, and shall be prohibited from receiving contributions from other political action committees, candidate committees, political party committees, campaign committees, exploratory committees, or debt service committees. However, candidate committees, political party committees, campaign committees, exploratory committees, and debt service committees shall be allowed to return contributions to a donor political action committee that is the origin of the contribution.

14. The prohibited committee transfers described in subsection 13 of this section shall not apply to the following committees:

(1) The state house committee per political party designated by the respective majority or minority floor leader of the house of representatives or the chair of the state party if the party does not have majority or minority party status;

(2) The state senate committee per political party designated by the respective majority or minority floor leader of the senate or the chair of the state party if the party does not have majority or minority party status.

15. No person shall transfer anything of value to any committee with the intent to conceal, from the ethics commission, the identity of the actual source. Any violation of this subsection shall be punishable as follows:

(1) For the first violation, the ethics commission shall notify such person that the transfer to the committee is prohibited under this section within five days of determining that the transfer is prohibited, and that such person shall notify the committee to which the funds were transferred that the funds must be returned within ten days of such notification;

(2) For the second violation, the person transferring the funds shall be guilty of a class C misdemeanor;

(3) For the third and subsequent violations, the person transferring the funds shall be guilty of a class D felony.

16. Beginning January 1, 2011, all committees required to file campaign financial disclosure reports with the Missouri ethics commission shall file any required disclosure report in an electronic format as prescribed by the ethics commission.]

[130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the



5 appropriate officer designated in section 130.026 at the times and for the periods  
6 prescribed in section 130.046. Except as provided in sections 130.049 and  
7 130.050, each report shall set forth:

8 (1) The full name, as required in the statement of organization pursuant  
9 to subsection 5 of section 130.021, and mailing address of the committee filing  
10 the report and the full name, mailing address and telephone number of the  
11 committee's treasurer and deputy treasurer if the committee has named a deputy  
12 treasurer;

13 (2) The amount of money, including cash on hand at the beginning of the  
14 reporting period;

15 (3) Receipts for the period, including:

16 (a) Total amount of all monetary contributions received which can be  
17 identified in the committee's records by name and address of each contributor.  
18 In addition, the candidate committee shall make a reasonable effort to obtain and  
19 report the employer, or occupation if self-employed or notation of retirement, of  
20 each person from whom the committee received one or more contributions which  
21 in the aggregate total in excess of one hundred dollars and shall make a  
22 reasonable effort to obtain and report a description of any contractual relationship  
23 over five hundred dollars between the contributor and the state if the candidate  
24 is seeking election to a state office or between the contributor and any political  
25 subdivision of the state if the candidate is seeking election to another political  
26 subdivision of the state;

27 (b) Total amount of all anonymous contributions accepted;

28 (c) Total amount of all monetary contributions received through  
29 fund-raising events or activities from participants whose names and addresses  
30 were not obtained with such contributions, with an attached statement or copy of  
31 the statement describing each fund-raising event as required in subsection 6 of  
32 section 130.031;

33 (d) Total dollar value of all in-kind contributions received;

34 (e) A separate listing by name and address and employer, or occupation  
35 if self-employed or notation of retirement, of each person from whom the  
36 committee received contributions, in money or any other thing of value,  
37 aggregating more than one hundred dollars, together with the date and amount of  
38 each such contribution;

39 (f) A listing of each loan received by name and address of the lender and  
40 date and amount of the loan. For each loan of more than one hundred dollars, a  
41 separate statement shall be attached setting forth the name and address of the  
42 lender and each person liable directly, indirectly or contingently, and the date,  
43 amount and terms of the loan;

44 (4) Expenditures for the period, including:

45 (a) The total dollar amount of expenditures made by check drawn on the  
46 committee's depository;

47 (b) The total dollar amount of expenditures made in cash;

- 48 (c) The total dollar value of all in-kind expenditures made;
- 49 (d) The full name and mailing address of each person to whom an  
50 expenditure of money or any other thing of value in the amount of more than one  
51 hundred dollars has been made, contracted for or incurred, together with the date,  
52 amount and purpose of each expenditure. Expenditures of one hundred dollars  
53 or less may be grouped and listed by categories of expenditure showing the total  
54 dollar amount of expenditures in each category, except that the report shall  
55 contain an itemized listing of each payment made to campaign workers by name,  
56 address, date, amount and purpose of each payment and the aggregate amount  
57 paid to each such worker;
- 58 (e) A list of each loan made, by name and mailing address of the person  
59 receiving the loan, together with the amount, terms and date;
- 60 (5) The total amount of cash on hand as of the closing date of the  
61 reporting period covered, including amounts in depository accounts and in petty  
62 cash fund;
- 63 (6) The total amount of outstanding indebtedness as of the closing date  
64 of the reporting period covered;
- 65 (7) The amount of expenditures for or against a candidate or ballot  
66 measure during the period covered and the cumulative amount of expenditures  
67 for or against that candidate or ballot measure, with each candidate being listed  
68 by name, mailing address and office sought. For the purpose of disclosure  
69 reports, expenditures made in support of more than one candidate or ballot  
70 measure or both shall be apportioned reasonably among the candidates or ballot  
71 measure or both. In apportioning expenditures to each candidate or ballot  
72 measure, political party committees and political action committees need not  
73 include expenditures for maintaining a permanent office, such as expenditures for  
74 salaries of regular staff, office facilities and equipment or other expenditures not  
75 designed to support or oppose any particular candidates or ballot measures;  
76 however, all such expenditures shall be listed pursuant to subdivision (4) of this  
77 subsection;
- 78 (8) A separate listing by full name and address of any committee  
79 including a candidate committee controlled by the same candidate for which a  
80 transfer of funds or a contribution in any amount has been made during the  
81 reporting period, together with the date and amount of each such transfer or  
82 contribution;
- 83 (9) A separate listing by full name and address of any committee,  
84 including a candidate committee controlled by the same candidate from which a  
85 transfer of funds or a contribution in any amount has been received during the  
86 reporting period, together with the date and amount of each such transfer or  
87 contribution;
- 88 (10) Each committee that receives a contribution which is restricted or  
89 designated in whole or in part by the contributor for transfer to a particular  
90 candidate, committee or other person shall include a statement of the name and

address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of any such contribution which was so restricted or designated by that contributor, together with the name of the particular candidate or committee to whom such contribution was so designated or restricted by that contributor and the date and amount of such contribution.

2. For the purpose of this section and any other section in this chapter except sections 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods:

(1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at 11:59 p.m. on the day of the general election. If the candidate has a general election held after a primary election, the next aggregating period shall begin at 12:00 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for contributions received during the thirty-day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution;

(2) In the case of a campaign committee, the period shall begin on the date the committee received its first contribution and end on the closing date for the period for which the report or statement is required;

(3) In the case of a political party committee or a political action committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.

3. The disclosure report shall be signed and attested by the committee treasurer or deputy treasurer and by the candidate in case of a candidate committee.

4. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production,

postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.]

[130.044. 1. All individuals and committees required to file disclosure reports under section 130.041 shall electronically report any contribution by any single contributor which exceeds five thousand dollars to the Missouri ethics commission within forty-eight hours of receiving the contribution.

2. Any individual currently holding office as a state representative, state senator, or any candidate for such office or such individual's campaign committee shall electronically report any contribution exceeding five hundred dollars made by any contributor to his or her campaign committee during the regular legislative session of the general assembly, within forty-eight hours of receiving the contribution.

3. Any individual currently holding office as the governor, lieutenant governor, treasurer, attorney general, secretary of state or auditor or any candidate for such office or such person's campaign committee shall electronically report any contribution exceeding five hundred dollars made by any contributor to his or her campaign committee during the regular legislative session or any time when legislation from the regular legislative session awaits gubernatorial action, within forty-eight hours of receiving the contribution.

4. Reports required under this section shall contain the same content required under section 130.041 and shall be filed in accordance with the standards established by the commission for electronic filing and other rules the commission may deem necessary to promulgate for the effective administration of this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.]

[130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the

twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter. Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition or referendum petition, or a recall petition seeking to remove an incumbent from office, disclosure reports relating to the time for filing such petitions shall be made as follows:

(1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of this section the treasurer of a committee, other than a political action committee, supporting or opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent from office shall file an initial disclosure report fifteen days after the committee begins the process of raising or spending money. After such initial report, the committee shall file quarterly disclosure reports as required by subdivision (3) of subsection 1 of this section until such time as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed. In addition the committee shall file a second disclosure report no later than the fifteenth day after the deadline date for submitting such petition. The period covered in the initial report shall begin on the day the committee first accepted contributions or made expenditures to support or oppose the petition effort for qualification of the measure and shall close on the fifth day prior to the date of the report;

(2) If the measure has qualified to be on the ballot in an election and if a committee subject to the requirements of subdivision (1) of this subsection is also required to file a preelection disclosure report for such election any time within thirty days after the date on which disclosure reports are required to be filed in accordance with subdivision (1) of this subsection, the treasurer of such committee shall not be required to file the report required by subdivision (1) of this subsection, but shall include in the committee's preelection report all information which would otherwise have been required by subdivision (1) of this subsection.

3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the

expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election. Each report by such committee shall be cumulative from the date of the last report. In the case of the political action committee's first report, the report shall be cumulative from the date of the political action committee's organization. Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section. A political action committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election;

(2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election.

4. The reports required to be filed no later than the thirtieth day after an election and any subsequently required report shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed; except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term candidate in section 130.011.

5. Notwithstanding any other provisions of this chapter to the contrary:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be

96 filed quarterly; provided that, any other report required to be filed prior to the  
97 primary election and all other reports required to be filed not later than the eighth  
98 day before the general election are filed no later than the final dates for filing  
99 such reports;

100 (b) If there are less than eighty-five days between a primary election and  
101 the immediately succeeding general election, the disclosure report required to be  
102 filed not later than the thirtieth day after the primary election need not be filed;  
103 provided that any report required to be filed prior to the primary election and any  
104 other report required to be filed prior to the general election are filed no later than  
105 the final dates for filing such reports; and

106 (2) No disclosure report needs to be filed for any reporting period if  
107 during that reporting period the committee has neither received contributions  
108 aggregating more than five hundred dollars nor made expenditure aggregating  
109 more than five hundred dollars and has not received contributions aggregating  
110 more than three hundred dollars from any single contributor and if the  
111 committee's treasurer files a statement with the appropriate officer that the  
112 committee has not exceeded the identified thresholds in the reporting period.  
113 Any contributions received or expenditures made which are not reported because  
114 this statement is filed in lieu of a disclosure report shall be included in the next  
115 disclosure report filed by the committee. This statement shall not be filed in lieu  
116 of the report for two or more consecutive disclosure periods if either the  
117 contributions received or expenditures made in the aggregate during those  
118 reporting periods exceed five hundred dollars. This statement shall not be filed,  
119 in lieu of the report, later than the thirtieth day after an election if that report  
120 would show a deficit of more than one thousand dollars.

121 6. (1) If the disclosure report required to be filed by a committee not  
122 later than the thirtieth day after an election shows a deficit of unpaid loans and  
123 other outstanding obligations in excess of five thousand dollars, semiannual  
124 supplemental disclosure reports shall be filed with the appropriate officer for each  
125 succeeding semiannual period until the deficit is reported in a disclosure report  
126 as being reduced to five thousand dollars or less; except that, a supplemental  
127 semiannual report shall not be required for any semiannual period which includes  
128 the closing date for the reporting period covered in any regular disclosure report  
129 which the committee is required to file in connection with an election. The  
130 reporting dates and periods covered for semiannual reports shall be not later than  
131 the fifteenth day of January and July for periods closing on the thirty-first day of  
132 December and the thirtieth day of June.

133 (2) Committees required to file reports pursuant to subsection 2 or 3 of  
134 this section which are not otherwise required to file disclosure reports for an  
135 election shall file semiannual reports as required by this subsection if their last  
136 required disclosure report shows a total of unpaid loans and other outstanding  
137 obligations in excess of five thousand dollars.

138           7. In the case of a committee which disbands and is required to file a  
139 termination statement pursuant to the provisions of section 130.021 with the  
140 appropriate officer not later than the tenth day after the committee was dissolved,  
141 the candidate, committee treasurer or deputy treasurer shall attach to the  
142 termination statement a complete disclosure report for the period closing on the  
143 date of dissolution. A committee shall not utilize the provisions of subsection 8  
144 of section 130.021 or the provisions of this subsection to circumvent or otherwise  
145 avoid the reporting requirements of subsection 6 or 7 of this section.

146           8. Disclosure reports shall be filed with the appropriate officer not later  
147 than 5:00 p.m. prevailing local time of the day designated for the filing of the  
148 report and a report postmarked not later than midnight of the day previous to the  
149 day designated for filing the report shall be deemed to have been filed in a timely  
150 manner. The appropriate officer may establish a policy whereby disclosure  
151 reports may be filed by facsimile transmission.

152           9. Each candidate for the office of state representative, state senator, and  
153 for statewide elected office shall file all disclosure reports described in section  
154 130.041 electronically with the Missouri ethics commission. The Missouri ethics  
155 commission shall promulgate rules establishing the standard for electronic filings  
156 with the commission and shall propose such rules for the importation of files to  
157 the reporting program.

158           10. Any rule or portion of a rule, as that term is defined in section  
159 536.010, that is created under the authority delegated in this section shall become  
160 effective only if it complies with and is subject to all of the provisions of chapter  
161 536 and, if applicable, section 536.028. This section and chapter 536 are  
162 nonseverable and if any of the powers vested with the general assembly pursuant  
163 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
164 a rule are subsequently held unconstitutional, then the grant of rulemaking  
165 authority and any rule proposed or adopted after August 28, 2006, shall be invalid  
166 and void.]

167  
2           [130.071. 1. If a successful candidate, or the treasurer of his candidate  
3 committee, or the successful candidate who also has served as a treasurer or  
4 deputy treasurer of any committee defined by section 130.011 fails to file the  
5 reports which are required by this chapter, the candidate shall not take office until  
6 such reports are filed and all fees assessed by the commission are paid.

7           2. In addition to any other penalties provided by law, no person may file  
8 for any office in a subsequent election until he or the treasurer of his existing  
9 candidate or any committee defined by section 130.011 in which he is a treasurer  
10 or deputy treasurer has filed all required campaign disclosure reports for all prior  
11 elections and paid all fees assessed by the commission.]

Section B. The repeal and reenactment of section 130.026 as enacted by senate bill no.

2 262, eighty-eighth general assembly, first regular session, and section 130.057 as enacted by



- 3 house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first
- 4 regular session, shall become effective on January 1, 2017.

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